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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,444	10/16/2003	Craig S. Morco	046050-9081-00	8759
23409	7590	09/25/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			SAADAT, CAMERON	
			ART UNIT	PAPER NUMBER
			3715	
DATE MAILED: 09/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,444

Applicant(s)

MOREO, CRAIG S.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5-7, 9-11, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bear et al. (US 5,320,362; hereinafter Bear) in view of Westra (US 6,889,473).

Regarding claim 1, Bear discloses a method of battle training in a facility having a surveillance system (Col. 1, lines 59-61; Col. 4, lines 67-68), a track system 30 and 32 supported by the facility, the track system having panels 24 and 26 and establishing a floor plan with the panels (Col. 2, lines 15-18); executing a training exercise using the floor plan; monitoring the training exercise using the surveillance system (Col. 4, line 67 – Col. 5, line 6); rearranging the floor plan (Col. 2, lines 56-64). Bear discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a track that suspends panels that are movable. However, Westra teaches a training facility having a reconfigurable floor plan, comprising movable walls that are mounted to slide within a track system (See Westra, Col. 9, lines 42-50). Thus, in view of Westra, it would have been obvious to one of ordinary skill in the art to modify the track and wall system described in Bear, by providing a track system that supports

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movable sliding panels, in order to allow one to modify the floor plan periodically thereby maintaining an interesting level of activity for trainees. Although Westra does not explicitly disclose the feature of using rollers with the sliding doors, the examiner takes official notice that the use of rollers with sliding panels mounted in a track is old and well known for reducing friction during sliding, and it would have been obvious to an artisan to modify the sliding doors by providing rollers in order to reduce friction during sliding. In addition, Bear does not explicitly disclose the feature of having a grid-shaped track system. However, Westra teaches a training facility having a reconfigurable floor plan, comprising movable walls that are mounted in a grid-shaped track system (See Westra, Fig. 3). In view of Westra, it would have been obvious to one of ordinary skill in the art to modify the floor plan described in Bear, by providing a grid-shaped track system in order to simulate a floor plan of an actual building.

Regarding claim 2, Bear discloses a method further comprising creating a series of interconnected halls and rooms and includes monitoring into substantially all of the halls and rooms. See Col. 1, lines 59-61.

Regarding claim 3, Bear discloses a surveillance system including viewing rooms disposed adjacent to battle rooms for viewing exercises in real time. See Col. 1, lines 59-61. Bear does not explicitly disclose the feature of providing a catwalk for viewing the exercises. However, it is applicant's own admission that feature of providing a catwalk in a training facility is old and well known for allowing an observer to watch training exercises. See Declaration of Craig S. Moreo describing London Facility, paragraph 11. In view of this admission, it would have been obvious to one of ordinary skill to modify the training facility described in the combination of Bear and Westra, by providing a catwalk and thereby allowing an observer to watch training exercises from above.

Regarding claims 5, 9, and 16, Bear discloses a method wherein the surveillance system includes at least one image recording device and positioning the image-recording device above the track system for visually recording the training exercise. See Col. 4, lines 67-68.

Regarding claims 6, 10, and 17, Bear discloses a method wherein the surveillance system also an audio recording device and wherein the audio recording device is positioned above the track system for audibly recording the training exercise. See Col. 5, lines 7-10.

Regarding claims 7, 11, and 14, Bear discloses a method and system for providing battle training in a facility having a surveillance system including a video recording system (Col. 1, lines 59-61; Col. 4, lines 67-68), a track system 30 and 32 supported by the facility, the track system having panels 24 and 26 and establishing a floor plan with the panels (Col. 2, lines 15-18); executing a training exercise using the floor plan; monitoring the training exercise using the surveillance system (Col. 4, line 67 – Col. 5, line 6); rearranging the floor plan (Col. 2, lines 56-64). Bear discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a track that suspends panels that are movable. However, Westra teaches a training facility having a reconfigurable floor plan, comprising movable walls that are mounted to slide within a track system (See Westra, Col. 9, lines 42-50). Thus, in view of Westra, it would have been obvious to one of ordinary skill in the art to modify the track and wall system described in Bear, by providing a track system that supports movable sliding panels, in order to allow one to modify the floor plan periodically thereby maintaining an interesting level of activity for trainees. Although Westra does not explicitly disclose the feature of using rollers with the sliding doors, the examiner takes official notice that the use of rollers with sliding panels mounted in a track is old and well known for reducing friction during sliding, and it would have been obvious to an artisan to modify the sliding doors by providing rollers in order to reduce friction during sliding. In addition, Bear does not explicitly disclose the feature of having a grid-shaped track system. However, Westra teaches a training facility having a reconfigurable floor plan, comprising movable walls that are mounted in a grid-shaped

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track system (See Westra, Fig. 3). In view of Westra, it would have been obvious to one of ordinary skill in the art to modify the floor plan described in Bear, by providing a grid-shaped track system in order to simulate a floor plan of an actual building. Furthermore, Bear does not explicitly disclose the feature of providing a catwalk for viewing the exercises. However, it is applicant's own admission that feature of providing a catwalk in a training facility is old and well known for allowing an observer to watch training exercises. See Declaration of Craig S. Moreo describing London Facility, paragraph 11. In view of this admission, it would have been obvious to one of ordinary skill to modify the training facility described in the combination of Bear and Westra, by providing a catwalk and thereby allowing an observer to watch training exercises from above.

Claims 4, 8, 12-13, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bear et al. (US 5,320,362; hereinafter Bear) in view of Westra (US 6,889,473), further in view of Suekane et al. (US 5,174,707; hereinafter Suekane).

Regarding claims 4, 8, 12, and 15, Bear does not explicitly disclose a multi-level building. However, Westra teaches a training facility having multiple stories. The combination of Bear and Westra discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a mezzanine having a partially transparent floor for allowing an observer to see through the partially transparent floor. However, Suekane discloses a facility comprising transparent floors in order to command a view of other floors, and to reduce the number of air conditioners and lighting equipment required in the building (See Suekane, Col. 2, lines 39-44, 59-63; Col. 12, lines 14-19). In view of Suekane, it would have been obvious to one of ordinary skill in the art to modify the floors described in the combination of Bear and Westra, by providing transparent floors in order to command a view of other floors, and to reduce the number of air conditioners and lighting equipment required in the building.

Regarding claims 13 and 18, the combination of Bear and Westra discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a storage area.

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However, it is the examiner's position that the feature of providing a storage area in a building is old and well known. In addition, Suekane discloses a facility comprising rack 1 serving as a common storage area. In view of Suekane, it would have been obvious to one of ordinary skill in the art to modify the facility described in the combination of Bear and Westra, by providing a storage area for storing items that are not in use.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


- Huffman (US 5,219,316) – discloses a portable competition arena.
- Bear et al. (US 5,393,074) – disclose a modular gaming system with a plurality of tracks and walls.
- Sampson et al. (US 6,579,097) – disclose a system for training in military operations in urban terrain.
- Jaros et al. (WO 99/01181) – disclose an exercise training facility for training specialists in the army, police, fire services, and rescue services.
- Emerson (US 6,360,494) discloses an incarceration facility having transparent walls.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cameron Saadat
9/14/2006

 9/18/06
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